

Calendar No. 223

109TH CONGRESS
1ST SESSION**S. 1771**

To express the sense of Congress and to improve reporting with respect to the safety of workers in the response and recovery activities related to Hurricane Katrina, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2005

Mr. ENZI (for himself and Mr. KENNEDY) introduced the following bill; which was read the first time

SEPTEMBER 27, 2005

Read the second time and placed on the calendar

A BILL

To express the sense of Congress and to improve reporting with respect to the safety of workers in the response and recovery activities related to Hurricane Katrina, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Katrina Worker Safety
5 and Filing Flexibility Act of 2005”.

1 **SEC. 2. SENSE OF CONGRESS CONCERNING THE SAFETY**
2 **AND HEALTH OF EMERGENCY RESPONSE, RE-**
3 **COVERY, AND RECONSTRUCTION WORKERS.**

4 (a) FINDINGS.—Congress finds that—

5 (1) individuals working in emergency response,
6 recovery, and reconstruction in the disaster areas in
7 Louisiana, Mississippi, and Alabama in the wake of
8 Hurricane Katrina face numerous and uncommon
9 worksite and environmental hazards;

10 (2) workers may be facing hazards with which
11 they have little prior experience or training, and typ-
12 ical communication channels may not be as effective
13 as they are under normal circumstances;

14 (3) the Occupational Safety and Health Admin-
15 istration (referred to in this section as “OSHA”)
16 has deployed safety and health professionals to Lou-
17 isiana, Mississippi, and Alabama to provide technical
18 assistance to emergency response, recovery, and re-
19 construction workers in their ongoing cleanup efforts
20 along the Gulf Coast of the United States; and

21 (4) OSHA’s efforts to protect first responders
22 and emergency response, recovery and reconstruction
23 workers are being guided by the Worker Health and
24 Safety Annex plan, as established in the National
25 Response Plan that was recently adopted by the De-
26 partment of Homeland Security.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) as soon as practicable after the date of en-
4 actment of this Act OSHA should—

5 (A) implement all of the relevant provi-
6 sions of the Worker Health and Safety Annex
7 plan;

8 (B) in addition to making public service
9 announcements, develop additional methods to
10 provide workers and employers with the infor-
11 mation they need to maintain a safe workplace,
12 including their rights and obligations under
13 health and safety laws, such as working
14 through OSHA’s Strategic Partnerships, and
15 working with contractors and labor organiza-
16 tions to reach all employers and workers in-
17 volved in the emergency response, recovery, and
18 reconstruction;

19 (C) work to communicate with immigrant
20 and non-English speaking workers and employ-
21 ers about safety rights, resources, and require-
22 ments;

23 (D) deploy sufficient personnel to the re-
24 gion to successfully carry out their mission, in-

cluding enforcement of and education about
safety standards and rights;

(E) work with State, local, and tribal governments to ensure the availability and management of all available safety resources for emergency response, recovery, and reconstruction workers;

(F) work with other Federal agencies such as Federal Emergency Management Agency, the National Institute of Occupational Safety and Health, the Environmental Protection Agency, the Chemical Safety Hazard Board, the National Institute of Environmental Health Sciences, the Department of Energy, the Department of Health and Human Services, and the Department of Transportation to identify hazards, determine the optimum hazard abatement solutions and communicate those solutions to potentially endangered workers and employers, and to identify the need for personal protective equipment for employees engaged in clean-up of hazardous materials and, when possible, coordinate and facilitate distribution of such equipment; and

1 (G) work with the Environmental Protec-
2 tion Agency and the National Institute of Envi-
3 ronmental Health Sciences to provide technical
4 assistance and training for workers covered by
5 Hazardous Waste Operations and Emergency
6 Response Standards; and

7 (2) records of the identity of individuals in-
8 volved in the recovery and rebuilding efforts should
9 be maintained, and therefore all entities engaged in
10 these efforts are encouraged to maintain such
11 records, and, if maintained, to forward such records
12 and rosters to OSHA or the appropriate agency for
13 collection and central storage.

14 **SEC. 3. COMMUNICATIONS, ENFORCEMENT, AND TRAINING.**

15 There are authorized to be appropriated such sums
16 as may be necessary to enable the Department of Labor
17 and the Occupational Safety and Health Administration
18 to pay for needed communications, including public service
19 announcements on radio and television, to provide for ad-
20 ditional personnel, to enforce safety standards, and to pro-
21 vide needed health and safety training and resources to
22 affected workers and employers.

23 **SEC. 4. REPORTING.**

24 Not later than 60 days after the date of enactment
25 of this Act, the Secretary of Labor jointly with the Admin-

1 istrator of the Occupational Safety and Health Adminis-
2 tration, shall provide a briefing to the members of the
3 Committee on Health, Education, Labor, and Pensions
4 and the Committee on Appropriations of the Senate and
5 the members of the Committee on Education and the
6 Workforce and the Committee on Appropriations of the
7 House of Representatives concerning the progress made
8 toward providing necessary personnel to enforce safety
9 standards providing needed health and safety training and
10 resources to affected workers and employers relating to
11 Hurricane Katrina reconstruction and coordinating efforts
12 with other agencies including Federal Emergency Manage-
13 ment Agency, the National Institute of Occupational Safe-
14 ty and Health, the Environmental Protection Agency, and
15 the National Institute of Environmental Health Sciences.
16 Such briefing shall include a report on the resources ex-
17 pended or needed to implement such measures. Not later
18 than 9 months after such date of enactment, the Secretary
19 of Labor and the Administrator of the Occupational Safe-
20 ty and Health Administration shall deliver a written report
21 to Congress summarizing the success in achieving such
22 goals.

23 **SEC. 5. EXTENSION OF DEADLINES FOR LMRDA.**

24 With respect to—

1 (1) any labor organization or employer, the
 2 principal place of business of which is located in an
 3 area declared a disaster area by the President under
 4 section 401 of the Robert T. Stafford Disaster Relief
 5 and Emergency Assistance Act (42 U.S.C. 5170),
 6 related to Hurricane Katrina, or whose financial
 7 records, or any portion thereof, are located in such an
 8 area; or

9 (2) any officer or employee of a labor organiza-
 10 tion who resides in such an area or whose financial
 11 records, or any portion thereof, are located in such an
 12 area; and

13 that is required to file an annual financial report pursuant
 14 to Title II of the Labor-Management Reporting and Dis-
 15 closure Act (29 U.S.C. 431 et seq.) by September 30,
 16 2005, the Secretary of Labor shall extend the deadline for
 17 filing such reports as appropriate, but in no case to a date
 18 that is earlier than March 31, 2006.

19 **SEC. 6. DEPARTMENT OF LABOR INSPECTOR GENERAL**
 20 **AUDIT AND REPORT.**

21 (a) IN GENERAL.—The Inspector General of the De-
 22 partment of Labor (referred to in this section as the “In-
 23 specter General”) shall conduct an audit and investigation
 24 of each program carried out by the Department of Labor

1 that includes response and recovery activities related to
2 Hurricane Katrina.

3 (b) WEEKLY REPORT.—Not less frequently than once
4 a week, the Inspector General shall provide a report to
5 the Committee on Health, Education, Labor, and Pen-
6 sions of the Senate and the Committee on Education and
7 the Workforce of the House of Representatives listing the
8 audits and investigations initiated pursuant to subsection
9 (a).

10 (c) STATUS REPORT.—Not later than 6 months after
11 the date of enactment of this section, and biannually
12 thereafter until the audits and investigations described in
13 subsection (a) are complete, the Inspector General shall
14 report to the Committee on Health, Education, Labor, and
15 Pensions of the Senate and the Committee on Education
16 and the Workforce of the House of Representatives on the
17 full status of the activities of the Inspector General under
18 this section.

19 (d) COOPERATIVE VENTURES.—In carrying out this
20 section, the Inspector General is encouraged to enter into
21 cooperative ventures with Inspectors General of other Fed-
22 eral agencies.

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